

ALASKA PUBLIC OFFICES COMMISSION  
MINUTES  
REGULAR COMMISSION MEETING  
JUNE 8, 2016

A regular meeting of the Alaska Public Offices Commission (APOC) came to order at 9:02 a.m. on Wednesday, June 8, 2016. The meeting was held in the Elizabeth J. Hickerson Hearing Room at 2221 E. Northern Lights Blvd., Room 128, Anchorage, Alaska.

Brackets [] indicate an agenda item number and that an information packet is included in the meeting binder. Asterisks \* indicate that no information was included in the meeting binder.

**In person Attendance**

**Commission:**

Vance Sanders – Chair (Telephonically)  
Ronald King – Vice Chair  
Irene Catalone – Commissioner  
Mark Fish – Commissioner  
Thomas Temple – Commissioner

**In person Attendance**

**Staff:**

Paul Dauphinais – Executive Director  
Heather Hebdon – Campaign Disclosure Coordinator  
Delight Mells – Paralegal II<sup>1</sup>  
Tamara Douglas – Paralegal II<sup>1</sup>  
Heather Dalberg – Paralegal I (Telephonically)  
Michael Schwahn – Recording Clerk

**In person Attendance**

**Department of Law:**

**Assistant Attorney General**  
Jon Woodman  
MaryLynn Macsalka  
David Jones

**In person Attendees:**

Eugene Haberman – Observer  
Austin Baird – KTUU  
Cameraman – KTUU

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<sup>1</sup> Attended via GoTo Meeting and in person for presentations.

**AO 16-02-LOB – GCI and AO 16-04-LOB – Alaska’s Future**  
Timothy McKeever – Counsel for requestor, Holmes Weddle & Barcott

**16-01-CD – David Nees v. Anchorage School District**  
David Boyle – Representative for Complainant  
Heidi Embley – Chief Communication Officer for ASD

Jermain Dunnagan & Owens – Counsel for Respondent  
Chuck Dunnagan  
Nathaniel Parr

**Group Civil Penalty Appeals and Referrals**  
Paul Holland – Treasurer, Citizens for Clean Air and Not Tammie

**12-08-CD – Joel Natwick v. Gillam,. RBG, et all**  
Ronald Bliss – Counsel for Respondent, Bliss, Wilkens & Clayton  
Timothy McKeever – Counsel for RBG Bush Planes, LLC.  
Holmes Weddle & Barcott P.C  
JL McCarrey – Counsel for Plaintiff McKinley Capital Management, LLC,

**Telephonic Attendees:**

**AO 16-01-LOB Terry Rasmuson – Rasmuson Foundation**  
Aleesha Towns-Bain – Chief Administrative Officer  
Deborah Bitney – Vice- President & Chief Administrative Officer

AO 16-03-POFD Fairbanks North Star Borough  
Noah Klein, Counsel for requestor

**POFD Civil Penalty Appeals and Referrals**  
Susan Doherty – Formerly Planning & Zoning, Ketchikan Gateway Borough

**Group Civil Penalty Appeals and Referrals**  
Patrice Lee – Deputy Treasurer, Citizens for Clean Air and Not Tammie

**ON RECORD 9:02 a.m.**

Chair Sanders called the meeting to order and acknowledged on the record that the new Commission Member for the Alaska Public Offices Commission is Tom Temple.

**Approval of the Agenda [\*]**

**Commissioner King moved to approve the agenda as written.**

**Commissioner Temple seconded the motion.**

**The Commission voted 4-0 (Commissioner Catalone not yet present) to approve the agenda as written.**

**Approval Meeting Minutes [1]**

February 10, 2016 – meeting minutes

**Commissioner Fish moved to approve the meeting minutes as revised.**

**Commissioner Temple seconded the motion.**

**The Commission voted 4-0 (Commissioner Catalone not yet present) to approve the February 10, 2016 meeting minutes as revised.**

February 11, 2016 – meeting minutes

**Commissioner Temple moved to approve the meeting minutes as revised.**

**Commissioner Fish seconded the motion.**

**The Commission voted 4-0 (Commissioner Catalone not yet present) to approve the February 11, 2016 meeting minutes as revised.**

February 29, 2016 – meeting minutes

**Commissioner Temple moved to approve the meeting minutes as written.**

**Commissioner King seconded the motion.**

**The Commission voted 4-0 (Commissioner Catalone not yet present) to approve the February 29, 2016 meeting minutes as written.**

**ADVISORY OPINION**

**AO 16-01-LOB, Deborah Bitney for Rasmuson Foundation [2]**

The staff unapproved advisory opinion was presented by Heather Dalberg, APOC staff. Aleesha Towns-Bain, Chief Administrative Officer, Rasmuson Foundation appeared telephonically gave a statements and answered questions from the Commission. Deborah Bitney, Vice President – Chief Administrative Officer, Rasmuson Foundation appeared telephonically and observed.

**Commissioner King moved to approve the advisory opinion as written.**

**Commissioner Temple seconded the motion.**

**The Commission voted 4-0 (Commissioner Catalone not yet present) to approve the advisory opinion request 16-01-LOB as written.**

**Commissioner Catalone joined the meeting.**

**AO 16-02-LOB, Timothy McKeever for GCI [3]**

The staff unapproved advisory opinion was presented by Heather Dalberg, APOC staff. Timothy McKeever, Counsel for GCI, Holmes Weddle & Barcott PC, appeared in person, gave a statement and answered questions from the Commission.

**Commissioner King moved to approve the advisory opinion as written.  
Commissioner Temple seconded the motion.  
The Commission voted 5-0 to approve the advisory opinion request 16-02-LOB as written.**

**AO 16-04-LOB, Timothy McKeever for Alaska's Future [4]**

The staff unapproved advisory opinion was presented by Heather Dalberg, APOC staff. Timothy McKeever, Counsel for Alaska's Future, Holmes Weddle & Barcott PC appeared in person, gave a statement and answered questions from the Commission.

**Commissioner Temple moved to approve the advisory opinion as revised.  
Commissioner King seconded the motion as revised.  
The Commission voted 5-0 to approve the advisory opinion request 16-04-LOB as revised.**

On record Commissioner King acknowledges Mr. McKeever suggested change on page 2 (FACTS) of the staff unapproved advisory opinion to reflect the above individuals are no longer involved with the group Alaska's Future.

**Executive Director Report [12]**

The Executive Director Report was presented by Paul Dauphinais, APOC staff.

**OFF RECORD 9:48 a.m.**

**Break**

**ON RECORD 10:05 a.m.**

**Chair Sanders recused himself from participating on the below matter due to a conflict of interest, Vice-Chair King presided over the meeting.**

**Consent Agenda, Lobbying Civil Penalty Appeals & Referrals to Attorney General Office [5]**

The staff recommendations on the consent agenda and referral to Attorney General's Office were presented by Heather Dalberg, APOC staff.

The Commission approved the following item on the consent agenda.  
#1 Wright Services

**Commissioner Temple moved to approve the staff recommendations for item #1 on the consent agenda.  
Commissioner Catalone seconded the motion.  
The Commission voted 4-0 to approve the staff recommendations for item #1 on the consent agenda.**

**Commissioner Temple moved to remove items #2 & #3 for the Commission to consider separately on the consent agenda.  
Commissioner Catalone seconded the motion.**

**The Commission voted 4-0 to remove items #2 & #3 for the Commission to consider separately on the consent agenda**

The following items were removed from the consent agenda for the Commission to consider separately.

**Sandra Heffern**

LATE REPORT: 2016 Lobbying Registration  
MAXIMUM CIVIL PENALTY: \$680 as filed 68 days late @\$10 a day  
STAFF RECOMMENDATION: Uphold Maximum Penalty

**The Commission took the above matter under advisement.**

**Busig, Donna**

LATE REPORT: 2015 November Special Session Report  
MAXIMUM CIVIL PENALTY: \$1,180 as is 118 days late @\$10 a day

LATE REPORT: 4<sup>th</sup> Quarter Lobbyist Report  
MAXIMUM CIVIL PENALTY: \$860 as is 86 days late @\$10 a day

STAFF RECOMMENDATION: Referral to Attorney General Office

**The Commission took the above matter under advisement.**

**OFF RECORD 10:09 a.m.**

**Break**

**ON RECORD 10:14 a.m.**

**ADVISORY OPINION**

**Chair Sanders re-joined the meeting.**

**AO 16-03-POFD , Noah Klein for Fairbanks North Star Borough (FNSB) [6]**

The staff unapproved advisory opinion was presented by Paul Dauphinais, APOC staff. Noah Klein, Assistant Borough Attorney, FNSB appeared telephonically, gave a statement and answered questions from the Commission.

**Commissioner Temple moved to approve the advisory opinion as written.**

**Commissioner King seconded the motion as written.**

**The Commission voted 5-0 to approve the advisory opinion request 16-03-POFD as written.**

**EXECUTIVE SESSION**

**Commissioner Temple moved to go into executive session and to deliberate on pending matters.**

**Commissioner Fish seconded the motion**

**The Commission voted 5-0 to go into Executive Session and to deliberate on pending matters.**

**Chair Sanders did not participate in the executive session.**

**OFF RECORD 11:27 a.m.**

**Executive Session/Deliberation**

**ON RECORD 10:50 a.m.**

**Consent Agenda, POFD Civil Penalty Appeals & Referrals to Attorney General**

**Office [7]**

The staff recommendations on the consent agenda were presented by Paul Dauphinais, APOC staff.

Item #20, Paula Mills, was removed from the consent agenda because the assessed penalty was paid in full before the meeting.

The Commission approved the remaining items on the consent agenda.

- |                     |                      |
|---------------------|----------------------|
| #1 John Cannon      | #11 Fedosia Balluta  |
| #2 John Cannon      | #12 Agnes Rychnovsky |
| #3 Michael O'Connor | #13 Elyse Dawson     |
| #4 Roxy Marcy       | #14 Thomas McGhee    |
| #5 John McClellan   | #15 Preston Smith    |
| #6 James Harvey     | #16 Timothy Burney   |
| #7 Stacey Lucason   | #17 George Whitman   |
| #8 Susan Doherty    | #19 Pauline Jim      |
| #9 Allysa Apalayak  | #21 George Whitman   |
| #10 Bibiana Gloko   |                      |

**Commissioner Temple moved to approve the staff recommendations for the above items on the consent agenda.**

**Commissioner King seconded the motion.**

**The Commission voted 5-0 to approve the staff recommendations for the above items on the consent agenda.**

The following items were removed from the consent agenda for the Commission to consider separately.

The payments remitted by the below individuals to the APOC office is the amount based on the staff recommendation. Per 2 AAC 50.860(b) this is outside the staff authority to accept the payment.

- |                   |                   |
|-------------------|-------------------|
| #22 Sabre Askoak  | #25 Linda Leary   |
| #23 Billy Bartman | #26 Moses Toyukak |
| #24 Santa Claus   | #27 Evelyn Trefon |

**Commissioner King moved to approve the staff recommendation for the above items on the consent agenda.**

**Commissioner Temple seconded the motion**

**The Commission voted 5-0 to approve the staff recommendation for the above items on the consent agenda.**

The following item was removed from the consent agenda for the Commission to consider separately.

**Marvin Yoder**

LATE REPORT:	2016 Annual POFD
MAXIMUM CIVIL PENALTY:	\$290 as filed 21 days late @\$10 a day
STAFF RECOMMENDATION:	Referral to Attorney General Office

**Commissioner King moved to approve the staff recommendation as presented.**

**Commissioner Catalone seconded the motion.**

**The Commission voted 5-0 to approve the staff recommendation as presented.**

**COMPLAINT**

**16-01-CD David Nees v. Anchorage School District (ASD) [8]**

The staff report was presented by Heather Hebdon, APOC staff.

The following individuals appeared in person gave a statement and answer questions of the Commission

- Chuck Dunnagan & Nataniel Parr – Counsels for Respondent, Jermain Dunnagan & Owens P.C
- Heidi Embley – Chief Communication Officer for ASD
- David Boyle – Representative for Complainant

Counsel for ASD filed a Motion to Amend Case by Removing Ed Graff, Superintendent for ASD as a Personally Named Respondent.

Vice-Chair King declared on the public record in 2002-2003 he was former employee of ASD as Chief of Air Program. The ASD filed a complaint filed against him in his professional capacity which was later dismissed. The Commission all agreed that this did not constitute a conflict of interest for Commissioner King and that he should participate in making the decision on the above matter.

**Commissioner Temple moved to approve the Motion to Amend Case by removing Ed Graff, Superintendent for ASD as a Personally Named Respondent.**

**Commissioner King seconded the motion.**

**The Commission voted 5-0 approve the Motion to Amend Case by Removing Ed Graff, Superintendent for ASD as a Personally Named Respondent.**

**Public Comment [\*]**

No public comments were received.

**OFF RECORD 12:30 p.m.**

**Lunch**

**ON RECORD 1:00 p.m.**

**Consent Agenda, Candidate Civil Penalty Appeals & Referrals to Attorney General Office [9]**

The staff recommendations on the consent agenda were presented by Delight Mells, APOC staff.

APOC staff asked the commission to remove item #5 from the consent agenda consider. Mr. Henrich delinquent report was filed before the Commission meeting.

**Commissioner King moved to approve the removal of item #5 from the consent agenda.**

**Commissioner Temple seconded the motion.**

**The Commission voted 5-0 to approve the removal of item #5 from the consent agenda.**

The Commission approved the remaining items on the consent agenda.

#1 Ron Devon

#6 Jimmy Pearson

#2 Michael Fenster

#7 Roger Purcell

#3 Bill Kendig

#8 Maria Serrano

#4 Adam Bradford

**Commissioner King moved to approve the staff recommendations for the above items on the consent agenda.**

**Commissioner Temple seconded the motion.**

**The Commission voted 5-0 to approve the staff recommendations for the above items on the consent agenda.**

**EXECUTIVE SESSION**

**Commissioner Temple moved to go into Executive Session.**

**Commissioner Fish seconded the motion**

**The Commission voted 5-0 to go into Executive Session**

**OFF RECORD 1:05 p.m.**

**Executive Session**

**ON RECORD 1:32 p.m.**

**Consent Agenda, Group Civil Penalty Appeals & Referrals to Attorney General Office [10]**

The staff recommendations on the consent agenda were presented by Tamara Douglas, APOC staff. Paul Holland, treasurer for Citizens for Clean Air – No Proposition 1, and Not Tammie, appeared in person and Patrice Lee, deputy treasurer for Citizens for Clean

Air – No Proposition 1, and Not Tammie, appeared telephonically to give a statement and answer questions from the commission.

APOC staff asked the Commission to remove item #17 from the consent agenda for the Commission to consider. Mr. Price, treasurer for Alaskans for Grocery Tax Relief Now paid the assessed penalty before the Commission meeting of the APOC.

APOC staff asked to remove #17 be removed from the consent agenda because the group paid before the Commission meeting of the APOC.

The Commission approved the remaining items on the consent agenda.

- |                                    |   |
|------------------------------------|---|
| #1 Abbott Loop Democrats           | #11 Paul Reichardt                            |
| #2 Alaska Democratic Party         | #12 Putting Alaskans First Committee          |
| #3 Alaska Ironworkers PAC          | #13 Putting Alaskans First PAC                |
| #4 Anchorage Education Association | #14 Sam Kito                                  |
| #6 Fair Anchorage                  | #15 The Bribery Stops Here                    |
| #7 IBEW Local 1547 PAC             | #16 Totem Ocean Trailer Express<br>Alaska PAC |
| #8 Mike Potter                     |   |

**Commissioner Temple moved to approve the staff recommendations for the above items on the consent agenda.**

**Commissioner Fish seconded the motion.**

**The Commission voted 5-0 to approve the staff recommendations for the above items on the consent agenda.**

The following groups were removed from the consent agenda for the Commission to consider separately.

- #5 Citizens for Clean Air – No on Proposition 1
- #9 Not Tammie
- #10 Not Tammie

<b>Citizens for Clean Air – No on Prop 1</b>	2015 Statewide Municipal
LATE REPORT:	105 Day Report
MAXIMUM CIVIL PENALTY:	\$1,050 as filed 21 days late @\$50 a day
STAFF RECOMMENDATION:	Uphold Maximum Penalty

**The Commission took the above matter under advisement**

<b>Not Tammie</b>	2015 Statewide Municipal
LATE REPORT:	105 Day Report
MAXIMUM CIVIL PENALTY:	\$900 as filed 18 days late @\$50 a day
STAFF RECOMMENDATION:	Reduction of %50 to \$450

**The Commission took the above matter under advisement.**

<b>Not Tammie</b>	2015 Statewide Municipal
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LATE REPORT: 24 Hour Report  
MAXIMUM CIVIL PENALTY: \$78,500 as filed 157 days late @\$500 a day  
STAFF RECOMMENDATION: Reduction of %95 to \$3,925

**The Commission took the above matter under advisement.**

**Reconsideration of Anchorage Likes Coffey [11]**

The reconsideration of Anchorage likes Coffey was presented by Tamara Douglas, APOC staff.

The above matter came before the Commission at the February 10, 2016 Commission meeting for referral to the Attorney General Office for collection of the civil penalty. The requested for Mr. Hackney to submit two motions:

1. Motion to accept the late-filed appeal to the APOC office no later than March 3, 2016.
2. Motion supporting the appeal affidavit explaining why an appeal was not timely filed and further explanation of the three months delay in requesting leave to appeal.

**The Commission took the above matter under advisement.**

**EXECUTIVE SESSION**

**Commissioner Temple moves to go into Executive Session.**

**Commissioner King seconded the motion.**

**The Commission voted 5-0 to go into Executive Session.**

**OFF RECORD 2:20 p.m.**

**Executive Session/Deliberation**

**ON RECORD 2:30 p.m.**

**COMPLAINT**

**12-08-CD Joel Natwick v. Gillam, RBG, et all. [13]**

The staff report was presented by Heather Hebdon, APOC staff.

The following individuals appeared in person gave statements and answer questions of the commission.

- Ronald Bliss – Counsel for Respondent, Bliss, Wilkens & Clayton
- Timothy McKeever – Counsel for RBG Bush Planes, LLC, Holmes Weddle & Barcott
- JL McCarrey – Counsel for Plaintiff McKinley Capital Management, LLC

**The Commission took the above matter under advisement.**

**EXECUTIVE SESSION**

**Commissioner King moved to go into Executive Session to deliberate on the pending matters.**

**Commissioner seconded the motion.**

**The Commission voted 5-0 to go into Executive session and will not be back in the public record.**

**The Commission will adjourn after executive session.**

**There will be no meeting will be held on June 9, 2016.**

**OFF RECORD 3:50 p.m.**

**Executive Session/Deliberation**

**Adjourn**